

Interviewing the Reluctant Witness

Believe it or not, sometimes it's more difficult to get accurate information about an accidental fire than it is to get a confession from an arsonist, especially if the fire victim caused the fire through negligence. However, when dealing with a reluctant witness/victim, simple persuasion and, if necessary, creative interviewing, can elicit the desired information.

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Imagine this situation. A firefighter gets off duty at 8 am. After a couple of cups of coffee with two other shifters, he drives home. It's a pleasant spring weekday and his wife has already left for work, the kids are at school. The neighborhood he lives in is almost deserted on this Tuesday morning, but that's the way he likes it. That's why he chose to live 30 miles from the fire department he works for.

He's slept all night without interruption, and now feels like repairing the little electrical appliances around the house that have been neglected. Everything is piled on the workbench in the garage, ready to go. After taking several of the appliances apart, he plugs in the soldering iron and glances at the clock over the workbench. Instantly, he remembers a 10 o'clock dental appointment his wife made for him. He leaps up and heads for the door.

As he closes the garage door, he hears something near the workbench drop. It took three months to get the dental appointment, so he doesn't take the time to check the noise.

It takes an hour to finish up at the dentist, and as he drives home he sees a dark patch layered in the sky near his neighborhood. He knows there's been a fire somewhere.

All this doesn't cause him much concern until he's several blocks away. He can now see some residual smoke and steam raising up from behind a large oak that looks like the one next door to his house.

As he turns onto his street, he sees a mass of red lights and firefighters. A police officer stops him and explains that there has been a garage fire and he can't pass. The rigs are all in front of the firefighter's house and the lines are strung across his driveway.

He barely hears the police officer, but dutifully turns his car around and parks it. As he walks towards his

it before it rolled onto the old couch next to it . . .

As he recalls this, the captain asks, "When was the last time you were in the garage?" He quickly blurts out, "Yesterday I think. I'm just getting home from work!"

Overhaul continues as he walks around the charred structure. He anxiously glances at the captain, hoping he won't ask any more questions. He looks in the area of the workbench and sees that the end of the old couch has sustained the severest damage. The fire must have started there. And his carelessness started it.

He thinks to himself, "Will they



house, he can see the smoke drifting up from the rear of the yard . . . it's his garage that burned! His mind races, as he tries to imagine what happened.

A captain approaches him as he walks up the driveway. The firefighter tells him it's his home and garage. The sympathetic captain walks back with him. He sees that there has been some exposure damage to his house and that the detached garage is totally destroyed.

As the fire crew explains what happened, our firefighter notices that they are talking to him as an outsider, a regular citizen. He is tempted to tell his "brothers" that he, too, is a firefighter until he remembers . . . yes . . . the soldering iron was on and it wasn't in its safety holder. In the past, he remembers, the unsecured soldering iron had rolled off the workbench, but he was there to catch it. He caught

actually discover what started the fire? . . . Should I tell them or hope they just don't find out? . . . Will my insurance pay off since it was me who started the fire? . . . Will my friends and neighbors find out what happened?" He is totally mortified.

As all firefighters know, this situation happens every day. However, if you imagine yourself in this predicament, you find that your own thoughts and emotions are the same as any "civilian's" would be. You now are the reluctant witness/victim.

At a time like this, unwitting misformation or a deliberately-covert "story" may seriously alter the ultimate outcome of a routine matter. Getting the witness/victim to give a valid account of the circumstances of a fire may be as difficult as getting a confession from a criminal. In the innocent victim's mind, the fact remains that he/she may have started a

fire and destroyed property. Regardless of the victim's degree of culpability in starting the fire, admitting it is difficult.

As a firefighter or officer, your first step in alleviating this problem is to recognize it. Evaluate the fire scene itself. Realize that closet fires are generally accidental or started by children. Garage, shed and workshop fires are generally accidental also. The presence of children of sufficient age to play with matches (three years and up) may already have given you an insight as to the fire's cause.

All these areas also are prone to accidental/negligence-caused ignition. Electrical appliances, heating appliances, various accumulations of combustible materials and exposed light bulbs are all probable accidental fire causes.

Experience will generally enable a firefighter to develop a "sixth sense" about fire causation. Much like the police officer who uses intuition to know something isn't quite right, the firefighter will learn to recognize when a fire is accidental or arson, just by simple observation.

Of course, a primary recognition factor will be witness/victim statements. A victim that gives contradictory statements about his or her activities prior to a fire can mislead you drastically.

Take our earlier example. Our firefighter recognizes that he may have been responsible for his garage burning and his first thoughts are of keeping silent. He also lied.

The simple white lie of not being in the garage "since yesterday" will possibly mislead the investigator. Obviously, if no one who lives in the house has been inside the garage for some time, the case may begin to look suspicious.

If an investigator has already established a point of origin and/or probable cause, interviewing is infinitely easier. Victim statements then can be encountered if they appear to be contradictory to the evidence of fire scene. However, even misleading statements may be beneficial. The degree of the falsehood may indicate the tactic you need to overcome the reluctance to be honest.

For example, say a five year old child is present and you have just extinguished a fire in his bedroom. The fire originated under his bed. The father has taken the five year old next door and is reluctant to let you talk to him. The father says a "shorted-

out" electric blanket caused the fire.

Simple reasoning should, at this point, alleviate the problem. Tell the father that the fire originated *under* the bed, not on top, and you are convinced that the child was involved.

Further, state that you don't want to spend a great deal of your department's money to have the electric blanket "tested by a lab." (Say this even if you don't intend to confiscate the blanket. A little white lie on your part won't hurt.)

Also, indicate that the insurance company will pay for replacement/repairs regardless of the cause of the fire. Tell him insurance is for just these circumstances — accidents.

These few statements generally will overcome the ordinary resistance encountered. However, it may be necessary for you to invent a scenario in some cases. A popular interviewing technique is the "invisible witness."

In the case of our five year old, you could indicate that a neighbor (anonymous of course) had come forward and said that several neighborhood boys were seen playing with matches several days ago and his was one of them. This may lead the father to admit his son has played with matches in the past or was alone in his bedroom prior to the fire.

Of course, it could lead to a further barrier being put up by the parent. If this occurs, juvenile authorities or your department's fire investigator should be advised.

In the case of our firefighter's garage fire, we can introduce the invisible witness. Remember how the firefighter left his garage in a great hurry to get to his appointment? If you, as an interviewer, now indicate that "a neighbor" had seen our victim at home just prior to the fire, the possibility that someone saw him will convince our firefighter that he should now counter what he said earlier.

He may now say that he *was* home and *maybe* in the garage prior to the fire. Just the possibility that an unbiased witness provided factual information will, if nothing else, substantiate the fact that our victim was at home. There may still be resistance to saying he was in the garage, but you will have a clearer understanding of the possible human act or omission that caused the fire.

The invisible witness has been used to elicit criminal confessions many times and can be invaluable in non-adversary situations to at least place the witness/victim at the fire scene.

Once there is a statement indicating presence, zero in on activities of the witness. You now have the upper hand in the interview. Take advantage of it.

You may want to state that, in the absence of accidental causes, a fire becomes suspicious or incendiary. These fires then require a formal arson investigation and/or police response.

Again, you are playing a game. There may not really appear to be a need for an investigator, but the last thing a reluctant victim/witness wants is a "cop" or a more-thorough investigator! In this instance, you are simply attempting to gain cooperation and ascertain how the accidental fire occurred.

As we have seen, repeated reluctance may not necessarily indicate criminality, but can show possible gross negligence. If sound reasoning or creative interviewing don't seem to work for you, you may be required to involve an arson investigator or the police.

The reluctant witness/victim can negate your findings and sway your determination. At the first sign of misleading answers, step back and begin interviewing creatively.

(Also, how about, just for fun, trying the "invisible witness" on your kids the next time one of them uses your tools and doesn't put them away . . .?)

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